




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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,067	11/17/2003	Kia Silverbrook	ZG174US	9919
24011	7590	06/10/2004	EXAMINER	
SILVERBROOK RESEARCH PTY LTD 393 DARLING STREET BALMAIN, 2041 AUSTRALIA			GORDON, RAQUEL YVETTE	
			ART UNIT	PAPER NUMBER
			2853	

DATE MAILED: 06/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/713,067	Applicant(s) SILVERBROOK, KIA	
	Examiner Raquel Y. Gordon	Art Unit 2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondenc address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 18-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 10/129,503.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Double Patenting Statutory Basis

A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

Double Patenting Rejection

Claims 1-20 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-19 of copending Application No. 10/713088. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

For example, the following claim limitations are in jeopardy of being double patented:

1. A printhead assembly for carrying a printhead, comprising: an elongated core; a MEMS printhead bonded to the core; the core being contained within an outer laminated shell, the shell and core together having an effective coefficient of thermal expansion substantially equal to that of the printhead (claim 3/1);

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2. A printhead assembly according to claim 1, wherein: the outer shell is formed from different materials laminated together, the laminate having inner and outer layers which are of the same metal (claims 14/11/1 and 19/11/1);

3. A printhead assembly according to claim 1, wherein: the printhead is fabricated from silicon. (claim 9/8/1);

4. A printhead assembly according to claim 1, wherein: the outer shell has an odd number of longitudinally extending layers, being at least three in number, layers being arranged symmetrically about a central layer (claim 11/1);

5. A printhead assembly according to claim 1, wherein: a coefficient of thermal expansion of the core and a coefficient of thermal expansion of the shell are different (claim 7/3/1);

6. A printhead assembly according to claim 4, wherein: the laminated shell comprises two or more different materials, each having a different coefficient of thermal expansion (claims 7/3/1 and 16/11/1);

7. A printhead assembly according to claim 1, wherein: the extrusion comprises adjacent reservoirs which collectively lead to an area adapted to receive a printhead which is carried by the core (claims 3/1, 5/1 and 13/11/1);

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8. A printhead assembly according to claim 2, wherein: the laminated shell comprises inner and outer layers of invar (claim 15/11/1);

9. A printhead assembly according to claim 1, wherein: the core is an extruded and elongated body having a plurality of interior reservoirs, the reservoirs each having an ink exit opening, the openings converging into an area adapted to receive the printhead (claims 3/1 and 5/1);

10. A printhead assembly according to claim 1, wherein: the body is a plastic extrusion (claim 2/1);

11. A printhead assembly according to claim 1, wherein: the core is adapted to be encased by the shell, the body and shell (claim 3/1);

12. A printhead assembly according to claim 11, wherein: the body includes a portion which protrudes beyond the shell, this portion receiving the printhead (claims 3/1 and 4/1);

13. A printhead assembly according to claim 10, wherein: the body is internally subdivided by extruded membranes to define the reservoirs (claims 5/1 and 10/9/8/1);

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14. A printhead assembly according to claim 13, wherein: the reservoirs are four in number (claim 6/1);

15. A printhead assembly according to claim 1, wherein: the core has a coefficient of expansion which is less than the coefficient of expansion of silicon, and the shell has a coefficient of expansion which is greater than the coefficient of expansion of silicon (claim 7/3/1);

16. A printhead assembly according to claim 1, wherein: the shell comprises at least two materials bonded to one another and having coefficients of expansion which are different than the coefficient of expansion of silicon, one material having a coefficient of expansion which is greater than the coefficient of expansion of silicon and another material having a coefficient of expansion which is less than the coefficient of expansion of silicon (7/3/1 and 17/16/11/1);

18. A printhead assembly according to claim 1, further comprising: a modular printhead bonded to the core, the printhead comprising a plurality of modules disposed along the core (claim 8/1);

19. A printhead assembly according to claim 18, wherein: each module is fabricated from silicon. (9/8/1);

20. A printhead assembly according to claim 19, wherein: each module further comprises a MEMS structure (9/8/1).

Allowable Subject Matter

Claim 17 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

Reasons for Indication of Allowable Subject Matter

The following is a statement of reasons for the indication of allowable subject matter: The following claim limitations are not taught by the prior art:

17. A printhead assembly according to claim 1, wherein: the laminated shell comprises hot rolled layers of metal.

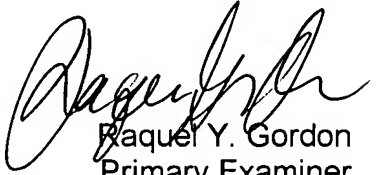
Contact Information

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Raquel Y. Gordon, whose telephone number is (571) 272-2145. The Examiner can normally be reached on M Tu Th and F 8:30-6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Stephen Meier can be reached on (571) 272-2149. A fax number is available upon request.

Any inquiry of a general nature or relating to the status of this application or proceeding may be directed to the Examiner or Supervisor.



Raquel Y. Gordon
Primary Examiner
Art Unit 2853
May 26, 2004

**RAQUEL GORDON
PRIMARY EXAMINER**